

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**TERRENCE HEMBY,**

**Plaintiff,**

**v.**

**9:14-cv-0546 (BKS/DJS)**

**DR. FERRARI, *Bare Hill Correctional Facility, et al,***

**Defendants.**

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**APPEARANCES:**

Terrence Hemby  
01-A-1300  
Franklin Correctional Facility  
P.O. Box 10  
Malone, NY 12953  
Pro se Plaintiff

Hon. Eric T. Schneiderman  
New York State Attorney General  
Joshua L. Farrell, Esq., Assistant Attorney General  
The Capitol  
Albany, NY 12224  
For Defendants

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff Terrence Hemby filed this pro se action under 42 U.S.C. § 1983 alleging that the Defendants violated his constitutional rights while he was confined at the Clinton Correctional Facility. Dkt. No. 1. Plaintiff has alleged that the Defendants denied him adequate medical care, in violation of the Eighth Amendment, and that the Defendants retaliated against him for exercising his First Amendment right to file grievances. *Id.* On July 17, 2015, the Defendants

filed a motion for summary judgment and the Plaintiff filed a motion for summary judgment. Dkt. Nos. 40, 43. The motions were assigned to United States Magistrate Judge Daniel J. Stewart who, on April 18, 2016, issued a Report-Recommendation and Order. Magistrate Judge Stewart recommended that Defendants' motion for summary judgment be granted; that Plaintiff's motion for summary judgment be denied; and that this action be dismissed. Dkt. No. 58, p. 20. Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1) they had fourteen days within which to file written objections to the report, and that the failure to object to the report would preclude appellate review. Dkt. No. 58, p. 21.

No objections to the Report-Recommendation have been filed. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012) Fed. R. Civ. P. 72(b), advisory committee's note to the 1983 edition. Having reviewed the Report-Recommendation for clear error and having found none, it is hereby

**ORDERED** that the Report-Recommendation (Dkt. No. 58) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' Motion for Summary Judgment (Dkt. No. 40) is **GRANTED**; and it is further

**ORDERED** that Plaintiff's Motion for Summary Judgment (Dkt. No. 43) is **DENIED**; and it is further

**ORDERED** that this action is **DISMISSED**; and it is further

**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

**Dated: June 6, 2016**

A handwritten signature in black ink, reading "Brenda K. Sannes". The signature is written in a cursive style with a horizontal line underneath the name.

Brenda K. Sannes  
U.S. District Judge